HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.6495 of 2005

Date of decision : 13.02.2007

Chanchal son of Ramo .....Petitioner

versus

Joginder Ram @ Joginder ....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.M.L.Saini, Advocate for the petitioner.

Mr.M.K.Dogra, Advocate for the respondent.

* * *

ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 28.9.2005 passed by the learned Executing Court whereby the objections filed by the judgment debtor-present petitioner were dismissed.

It has been found that in pursuance of the decree for joint possession, the decree holder was delivered symbolic possession in execution of the warrants of possession issued on 13.6.1997. It has been further found that if the decree holder entered into the actual possession, it is not in terms of warrant of possession issued by the Court and, therefore, the judgment debtor may take appropriate separate remedy in this regard because he has not been dislodged from the property under the orders of the Court.

The objections filed by the petitioners have been declined by the learned Executing Court as the petitioner has not been dispossessed in pursuance of the warrant of possession issued by the Court. The remedy

of the petitioner, if any, is the separate proceedings and not in the execution proceedings.

I do not find any illegality or irregularity in the order passed by the learned Executing Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed

(HEMANT GUPTA)
JUDGE

February 13, 2007
**mohinder*